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SENATE BILL 901

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO TELECOMMUNICATIONS; ALLOWING THE PUBLIC REGULATION
COMMISSION TO AWARD ATTORNEY FEES FOR CRAMMING OR SLAMMING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 63-9G-1 NMSA 1978 (being Laws 1999,
Chapter 138, Section 1) is amended to read:

"63-9G-1. SHORT TITLE. -- [~~Sections 1 through 9 of this
act]~~ Chapter 63, Article 9G NMSA 1978 may be cited as the
"Cramming and Slamming Act". "

Section 2. Section 63-9G-5 NMSA 1978 (being Laws 1999,
Chapter 138, Section 5) is amended to read:

"63-9G-5. COMPLAINTS FILED WITH COMMISSION-- RULES--
ADMINISTRATIVE PENALTIES. --

A. The following acts are prohibited:

- (1) cramming or slamming; and

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1 (2) disconnecting or threatening to disconnect
2 a customer's local exchange service because the customer
3 refuses to pay charges resulting from cramming or slamming and
4 the local exchange company has been notified of the cramming or
5 slamming.

6 B. A customer or provider may file a complaint with
7 the commission alleging cramming or slamming. A customer may
8 file a complaint alleging disconnection or threats of
9 disconnection to local exchange service. The commission may
10 combine complaints.

11 C. If the commission finds after investigation and
12 hearing that a provider engaged in cramming or slamming or
13 disconnected or threatened to disconnect a customer's local
14 exchange service, it may:

15 (1) assess an administrative penalty not to
16 exceed ten thousand dollars (\$10,000) for each occurrence of
17 cramming or slamming or for each disconnection or threat to
18 disconnect; [or]

19 (2) after other sanctions have failed, suspend
20 or revoke the provider's certificate of authority or
21 certificate of public convenience and necessity for a
22 deliberate pattern of cramming or slamming or disconnection or
23 threat of disconnection; or

24 (3) award the customer reasonable attorney
25 fees.

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D. A person aggrieved by an order of the commission pursuant to this section may appeal to the district court as provided in Section 39-3-1.1 NMSA 1978.

E. The remedies and penalties provided for in the Cramming and Slamming Act are in addition to any other penalties that may be imposed pursuant to any other state law or any other remedies available to consumers."

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